IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.77149-M of 2006

DATE OF DECISION: FEBRUARY 9, 2007

Shiv Kumar

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Dr.Sushil Gautam, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Shiv Kumar apprehending his arrest in complaint No.41 of 2004, pending in the court of SDJM, Guhla, in which he has been summoned to face trial under Sections 323 and 498-A IPC, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 8, 2006, the arrest of the petitioner was stayed subject to the condition that he will appear before the trial court and furnish his regular bail bonds to its satisfaction.

I have heard the counsel for the parties.

Counsel for the petitioner contends that in the aforesaid complaint filed by the wife-respondent No.2, the petitioner has been summoned. Counsel further contends that the marriage of the petitioner and respondent No.2 was performed in the year 1983 and for the last about 20 years, they are living separately. Counsel contends that earlier the Judicial Magistrate sought the report from SHO and during enquiry, the allegations levelled by the complainant were found to be false. However, the said report was not accepted and the petitioner has been summoned.

Counsel for the petitioner further contends that in terms of the interim order dated December 8, 2006, the petitioner had appeared before the JMIC, Nawanshahr on 18.12.2006 and furnished his regular bail bonds

which have been accepted and attested, and since then he is regularly appearing. Counsel for the petitioner has placed on record a certified copy of the order dated 18.12.2006 passed by the SDJM, Guhla.

In view of the above and for the facts stated above, the interim order dated December 8, 2006 is made absolute.

Disposed of accordingly.

February 9, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE